

ORIGINAL

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FILED  
DISTRICT COURT OF GUAM  
FEB 18 2003

MARY L. M. MORAN  
CLERK OF COURT

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE TERRITORY OF GUAM  
10  
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12 ROLANDO A DAYDAY )

CIVIL CASE NO. 02-00038

13 Plaintiff, )

14 vs. )

ANSWER OF THE UNITED STATES

15 UNITED STATES OF AMERICA, )

16 Defendant. )  
17

18 THE UNITED STATES, defendant herein, submits its Answer to the Complaint as  
19 follows:

- 20 1. ADMITS that this claim is raised as a Federal Tort Claims Act (FTCA) action  
21 arising from a traffic accident.  
22 2. This is a legal conclusion that does not require a response, to the extent it does  
23 require a response, DENIES.  
24 3. Defendant is without sufficient information to answer at this time and therefore  
25 DENIES.  
26 4. ADMITS.  
27 5. ADMITS.  
28

1 6. ADMITS.

2 7. Defendant is without sufficient information to answer at this time, and therefore  
3 DENIES.

4 8. Defendant is without sufficient information to answer at this time, and therefore  
5 DENIES.

6 9. ADMITS.

7 10. DENIES.

8 11. Defendant is without sufficient information to answer at this time, and therefore  
9 DENIES.

10 12. DENIES.

11 13. ADMITS.

12 14. ADMITS.

13 15. DENIES.

14 16. DENIES.

15 17. DENIES.

16 18. DENIES.

17  
18 **AFFIRMATIVE DEFENSES**

19  
20 If Plaintiff suffered injuries as alleged in Plaintiff's Complaint, such injuries were caused  
21 wholly or in part by Plaintiff's own negligence. Plaintiffs' act or omissions was the  
22 proximate cause of Plaintiffs' injuries as alleged.

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1 **RELIEF**

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3 Defendant requested that judgment be entered for Defendant and against Plaintiff.

4 Submitted this 14<sup>th</sup> day of February 2003.

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6 FREDERICK A. BLACK  
7 United States Attorney  
8 Districts of Guam and NMI

9 BY: 

10 MIKEL W. SCHWAB  
11 Assistant U.S. Attorney

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CERTIFICATE OF SERVICE

I, FRANCES B. LEON GUERRERO, Legal Assistant, working in the U.S. Attorney's Office, in the District of Guam, hereby certify that, I caused to be served by personal service a copy of the "Answer of the United States", in Civil Case No. 02-00038, Rolando A. Dayday, to the following attorney of record:

Robert L. Keogh  
Law Office of Keogh & Forman  
P.O. Box Gz  
Hagatna, Guam 96932  
Tel: (671) 472-6895

Dated: February 17, 2003

  
FRANCES B. LEON-GUERRERO  
Legal Assistant